HOUSE BILL 1326
By Briley

SENATE BILL 760

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 68, to enact the "Newborn Umbilical Cord Blood Initiative Act of 2007."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding Sections 2 through 6 of this act as a new, appropriate designated chapter.

SECTION 2. This chapter shall be known and may be cited as the "Newborn Umbilical Cord Blood Initiative Act of 2007."

SECTION 3. The general assembly finds and declares that:

(1) Over one hundred million (100,000,000) Americans and two billion (2,000,000,000) other humans worldwide suffer from diseases that may eventually be treated more effectively or even cured with stem cells;

(2) Stem cell research has been hampered by the controversy over embryonic stem cells;

(3) Stem cells are not found only in embryos;

(4) The umbilical cord, placenta, and amniotic fluid are rich in stem cells which may be used for scientific research and medical treatment without destroying embryos;

(5) Stem cell research using stem cells from postnatal tissue and fluid has already resulted in treatments for anemia, leukemia, lymphoma, lupus, multiple sclerosis, rheumatoid arthritis, sickle cell disease, spinal cord injury, and Crohn's disease;

(6) Stem cell therapies using stem cells from postnatal tissue and fluid are being studied for diseases as wide-ranging and diverse as corneal degeneration, heart disease, stroke, Parkinson's disease, and Alzheimer's disease; and

(7) It shall be the public policy of this state to encourage the donation, collection, and storage of stem cells collected from postnatal tissue and fluid and to make such stem cells available for both scientific research and medical treatment. It shall be the public policy of this state to encourage ethical research in life science and regenerative medicine.

SECTION 4. As used in this chapter, unless the context otherwise requires:

(1) "Amniotic fluid" means the fluid inside the amnion;

(2) "Commission" means the Tennessee commission for the newborn umbilical cord blood initiative;

(3) "Nonembryonic stem cell research" means medical research involving stem cells that have not been derived from a human embryo or fetus; and for this purpose the single-celled stage of development shall be included as an embryo;

(4) "Placenta" means the organ that forms on the inner wall of the human uterus during pregnancy;

(5) "Postnatal tissue and fluid" means the placenta, umbilical cord, and amniotic fluid expelled or extracted in connection with the birth of a human being;

(6) "Stem cells" means unspecialized or undifferentiated cells that can self-replicate and have the potential to differentiate into specialized cell types; and

(7) "Umbilical cord" means the gelatinous tissue and blood vessels connecting an unborn human being to the placenta.

SECTION 5.

(a)

(1)

(A) Not later than June 30, 2008, the Tennessee commission for the newborn umbilical cord blood initiative, as created in Section 6, shall

establish a network of postnatal tissue and fluid banks in partnership with one (1) or more public or private colleges or universities, public or private hospitals, nonprofit organizations, or private firms in this state for the purpose of collecting and storing postnatal tissue and fluid.

(B) The commission shall consult with the commissioner of health, the University of Tennessee board of trustees, the Tennessee board of regents, and the Tennessee Independent Colleges and Universities Association when selecting the colleges, universities, hospitals, organizations, and firms for the partnership established pursuant to subdivision (a)(1)(A).

(2) The bank network, which shall be known as the newborn umbilical cord blood bank, shall make such tissue and fluid available for scientific research and medical treatment in accordance with this chapter.

(3) Any person giving birth to a child in this state may contribute postnatal tissue and fluid to the newborn umbilical cord blood bank.

(b) The commission shall develop a program to educate pregnant patients with respect to the banking of postnatal tissue and fluid. The program shall include:

(1) An explanation of the difference between public and private banking programs;

(2) The medical process involved in the collection and storage of postnatal tissue and fluid;

(3) The current and potential future medical uses of stored postnatal tissue and fluid;

(4) The benefits and risks involved in the banking of postnatal tissue and fluid; and

(5) The availability and cost of storing postnatal tissue and fluid in public and private umbilical cord blood banks.

SECTION 6.

(a) There is created the Tennessee commission for the newborn umbilical cord blood initiative, which shall consist of fifteen (15) members appointed as provided in subsections (b)-(d).

(b) Seven (7) members shall be appointed by the governor, one (1) of whom shall be a representative of a public college, university, or medical school. The governor shall appoint four (4) members to serve initial terms of three (3) years and three (3) members to serve initial terms of two (2) years. Thereafter, successors to such initial appointees shall serve terms of three (3) years. The governor shall designate one (1) of the persons so appointed to be the chair of the commission.

(c)

(1) Four (4) members shall be appointed by the speaker of the senate. Of these four (4) members, there shall be at least one (1) of each of the following:

(A) A physician licensed to practice medicine in this state;

(B) A recognized medical ethicist with an accredited degree in medicine, medical ethics, or theology;

(C) A scientific researcher in stem cell research; and

(D) An attorney with experience in public health or biotechnology law.

(2) The speaker of the senate shall appoint two (2) members to serve initial terms of three (3) years and two (2) members to serve initial terms of two

(2) years. Thereafter, successors to such initial appointees shall serve terms of three (3) years.

(d)

(1) Four (4) members shall be appointed by the speaker of the house of representatives. Of these four (4) members, there shall be at least one (1) of each of the following:

(A) A physician licensed to practice medicine in this state;

(B) A recognized medical ethicist with an accredited degree in medicine, medical ethics, or theology;

(C) A scientific researcher in stem cell research; and

(D) An attorney with experience in public health or biotechnology law.

(2) The speaker of the house of representatives shall appoint two (2) members to serve initial terms of three (3) years and two (2) members to serve initial terms of two (2) years. Thereafter, successors to such initial appointees shall serve terms of three (3) years.

(e) Members of the commission shall be eligible to succeed themselves. The initial terms of office shall begin on July 1, 2007. Appointments shall be made by the respective appointing authorities no later than June 15, 2007. Thereafter, appointments of successors shall be made by the respective appointing authority no later than June 1 of the year in which the member's term of office expires. Vacancies shall be filled for the unexpired term by the respective appointing authority.

(f) The commission shall meet at least four (4) times per year at the call of the chair or upon the request of at least seven (7) of its members.

(g) The commission shall have the following duties and responsibilities:

(1) To investigate the implementation of this chapter and to recommend any improvements to the general assembly;

(2) To make available to the public the records of all meetings of the commission and of all business transacted by the commission;

(3) To oversee the operations of the newborn umbilical cord blood bank established in Section 5, including approving all fees established to cover administration, collection, and storage costs;

(4) To undertake the newborn umbilical cord blood initiative by promoting awareness of the newborn umbilical cord blood bank and encouraging donation of postnatal tissue and fluid to the bank;

(5) To ensure the privacy of persons who donate umbilical cord blood and placental tissue to the newborn umbilical cord blood bank pursuant to Section 5(a)(3) consistent with applicable federal guidelines;

(6) To develop a plan for making postnatal tissue and fluid collected under the newborn umbilical cord blood initiative available for scientific research and medical treatment and to ensure compliance with all relevant national practice and quality standards relating to such use;

(7) To develop a plan for private storage of postnatal tissue and fluid for medical treatment or to make potential donors aware of private storage options for said tissue and fluid as deemed in the public interest;

(8) To participate in the national cord blood program and to register postnatal tissue and fluid collected with registries operating in connection with the program;

(9) To employ such staff and to enter into such contracts as may be necessary to fulfill its duties and responsibilities under this chapter subject to funding by the general assembly; and

(10) To report annually to the general assembly in December of each year concerning the activities of the commission with recommendations for any legislative changes or funding necessary or desirable to fulfill the goals of this chapter.

(h) The commission shall provide for protection from disclosure of the identity of persons making donations to the newborn umbilical cord blood bank pursuant to Section 5(a)(3) and such identity shall not be a public record subject to disclosure pursuant to the provisions of Title 10, Chapter 7, Part 5.

(i) The commission may request additional funding from any additional source including, but not limited to, federal and private grants.

(j) The commission may establish a separate not for profit organization or foundation for the purposes of supporting the newborn umbilical cord blood bank created pursuant to Section 5.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.